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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,973	06/28/2000	Gueorgui B. Chkodrov	204005	7611

23460 7590 05/05/2003

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EXAMINER
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GUBIOTTI, MATTHEW P

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 05/05/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Supplemental Action**

Application No.

09/606,973

Applicant(s)

CHKODROV ET AL.

Examiner

Matthew Gubiotti

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 6.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2124

### **SUPPLEMENTAL ACTION**

1. This action is in response to a phone request from John Conklin (Reg. No. 20,369) to replace a missing portion of the previously mailed Detailed Action (filed March 10<sup>th</sup>, 2003). The Applicant's period for response is restarted upon the mailing of this action.

#### ***Drawings***

2. The drawings are objected to because of the close proximity of the drawings to the top margin of the page (See e.g. Figure 4). This makes the drawings difficult to fully consider. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

##### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 28 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

Art Unit: 2124

out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 recites the limitation "mission-critical server" in Line 1. There is insufficient antecedent basis for this limitation in the claim. The claim has been further treated below as reading "mission-critical program".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Davidson (U.S. Pat. No. 5,819,093).

**Claim 1-4,7**

Davidson teaches a method for debugging a software program in an distributed environment (col.3, li.29-42) substantially as claimed comprising:

Loading and running a debugger in a thread of execution of a program (col.10, li.52-65);

Calling a proxy interface via the debugger, located on a first computer, having a pointer ("object reference"; col.6,

Art Unit: 2124

li.35-39) to an object located on a second computer (col.6, li.40-46)

Creating a socket ("communications protocol"; fig.5, ref.74) for communicating with the debugger; and sending commands through the socket for conversion into function calls to the object interface (col.9, li.29-31).

Establishing communication with an external console; receiving a command from the console; and converting the command into a function call to an object (fig.8, col.9, li.10-31);

#### Claims 8-14

Davidson teaches a method for debugging a software program residing on a "computer-readable medium having stored thereon computer-executable instructions" (fig.1, ref.2; col.7, li.27-31).

#### Claims 15-19 and 26

Davidson further teaches:

Halting the thread of execution (col.8, li.30-34);

Obtaining and referencing pointer from context data to make a function call to an object from within the process (col.7, li.40-55; col.10, li.5-8)

Establishing communication with an external console; receiving a command from the console; and converting the command into a function call to an object (fig.8, col.9, li.10-31);

Art Unit: 2124

Creating a socket for communicating within the thread ("communications protocol"; fig.5, ref.74); and communicating with the console through the socket (col.9, li.29-31).

**Claims 20-22, 29**

Davidson teaches a method for debugging a software program residing on a "computer-readable medium having stored thereon computer-executable instructions" (fig.1, ref.4,8 & 9; col.7,li.27-31).

**Claim 23**

This represent the system claim of the method disclosed in claims 1-4 and 7. It is rejected for the same reasons cited above, with the system disclosed as follows (col.3, li.35-42).

**Claims 24 and 25**

Davidson teaches a system comprising a multiplexor module ("debugger GUI") for multiplexing commands to a plurality of identified debugger modules ("one or more dbx engines"; col.3, li.43-54).

Davidson further teaches appropriate information exchange between said console and the plurality of debugger modules through the use of sockets ("interprocess address[es]"; col.12, li.30-33)

***Claim Rejections - 35 USC § 103***

Art Unit: 2124

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 5, 6, 18, 19, 27, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson (U.S. Pat. No. 5,819,093) as applied to claim 2 above.

Claims 5, 6, 18 and 19

Davidson teaches a method for debugging objects in an distributed environment (col.3, li.29-42) in the Distributed Object Environment ("DOE", col.5, li.58-62). Davidson further teaches a method wherein specific knowledge of the DOE environment is not required to execute the debugging method in any object-oriented environment (col.5, li.62-65; col.15, li.37-43). Davidson does not expressly disclose that the objects utilized in the invention may be COM or DCOM objects. It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the debugging method of Davidson to COM and DCOM objects. The modification would have been obvious because one of ordinary skill in the art would have

Art Unit: 2124

been motivated to simplify the techniques and methods used in debugging object-oriented software based on a wide array of systems, as taught in Davidson (col.5, li.66 to col.6, li.9)

Claims 27 and 28

Davidson teaches a method for debugging a program in an distributed environment (col.3, li.29-42). He teaches said method as a means of simplifying and improving efficiency in debugging programs in a distributed environment (col.9, li.38-44). Davidson does not expressly disclose that the server on which the program resides is a web server, or that the program to be debugged is an electronic commerce program. It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the debugging method of Davidson to electronic commerce applications residing on a web server. The modification would have been obvious because one of ordinary skill in the art would have been motivated to simplify the techniques and methods used in debugging web-based business software to improve operating efficiency of a web-base electronic commerce application and to reduce software testing cycle complexity as taught in Davidson (col.5, li.66 to col.6, li.9).

Claims 30 and 31

See the rejection of Claims 20-22.



Art Unit: 2124

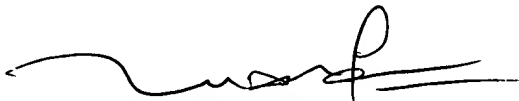
**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG  
April 30, 2003

  
**TUAN Q. DAM**  
**PRIMARY EXAMINER**